

DOWD, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Ruby Kumar,	)	
	)	CASE NO. 5:01 CV 1261
Plaintiff(s),	)	
	)	
v.	)	<u>MEMORANDUM OPINION</u>
	)	<u>AND ORDER</u>
Consolidated Freightways Corporation,	)	
	)	
Defendant(s).	)	
	)	

This case originated with the filing of a Complaint in the Summit County Court of Common Pleas on April 13, 2001. The case was removed to this Court on May 24, 2001. An Amended Complaint was filed on August 7, 2001. A motion to dismiss filed by the defendant was denied on October 10, 2001 and a month later the case was referred to a magistrate judge for pretrial supervision of discovery. A motion for summary judgment was filed by the defendant on July 16, 2002. By August 22, 2002, that motion was fully briefed. However, on September 26, 2002, the Court issued an ordered staying all proceedings pending the bankruptcy of defendant. The motion for summary judgment was eventually denied for record purposes, without prejudice to its renewal. On April 19, 2005, the Court directed the parties to file a status report.

Plaintiff's former counsel filed a status report on her behalf (Doc. No. 86). He indicated that he had long since returned all of the case records to the plaintiff, recommending that she obtain a bankruptcy attorney to assist her in making a claim in the context of the bankruptcy proceedings.

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Counsel further indicated that he has been unable to reach the plaintiff by telephone and that it is his belief that she has abandoned her claim since it is impracticable to pursue in view of the fact that the defendant's liquidation plan has been confirmed.

Defendant also filed a status report (Doc. No. 87) stating that plaintiff never filed a claim for her lawsuit in the bankruptcy proceedings, that the deadline for filing claims expired on February 7, 2003, and that the liquidation plan was confirmed on November 22, 2004.

In light of the above history, it appears to the Court that plaintiff has indeed abandoned her claim and that, in any event, there is no recourse still available to her. Therefore, the Court hereby lifts the stay of this action and will by separate judgment entry dismiss the case.

IT IS SO ORDERED.

May 4, 2005  
Date

/s/ David D. Dowd, Jr.  
David D. Dowd, Jr.  
U.S. District Judge